

that oversight was occurring and that abuses were not occurring at the same time.

The Senate Intelligence Committee is one of the most bipartisan on Capitol Hill, and I credit our leadership for keeping us above the political fray.

Chairman WARNER, a Democrat from Virginia, and Vice Chairman RUBIO, a Republican from Florida, operate arm in arm to lead the kind of oversight that I believe helps instill confidence in the intelligence community and in our intelligence professionals.

The committee has a responsibility to examine the facts of these cases and understand the potential risk it could create for national security.

Unfortunately, in a hearing we had with the Director of National Intelligence, we seem to have hit a brick wall, at least initially. Despite the high profile nature of these discoveries, the Biden administration will not allow Congress to perform its constitutional oversight duties.

Back in August, Senator WARNER and Senator RUBIO sent a letter to the Director of National Intelligence and the Attorney General requesting the classified documents that were seized at Mar-a-Lago.

Members of the Intelligence Committee are accustomed to reviewing, handling, and protecting classified information. It is something we do on virtually a daily basis. This document request was not to make this public. This was a request for committee members to review the documents in a classified setting. The administration refused.

In the months since, classified documents have been discovered at more locations, and, again, the administration has refused to provide access to this intelligence.

The Justice Department, as we know, has appointed special counsel to oversee two of these probes, but yet they refuse to share the documents or any information about them.

Now, it is one thing in an investigation conducted by law enforcement to say: We are going to protect the person being investigated, and we are going to protect the integrity of the investigation by not making that public. We understand that, but this is something far different.

When a current and former President of the United States and a former Vice President of the United States have classified documents in unsecured settings, we need to know who had access to it, what the intelligence reports contain, not because we are curious or we want to interfere with an investigation by the Justice Department but because we have an independent constitutional responsibility to protect the national security of the United States and to protect the intelligence community from unjustified criticism.

Several years ago, the Intelligence Committee investigated Russia's efforts to interfere with the 2016 election. This was a case like now, where special

counsel was appointed, but Congress did not have to wait. It wasn't forced to wait for that inquiry to be completed by former FBI Director Mueller. Those investigations happened concurrently. The special counsel's investigation happened at the same time as the Senate Intelligence Committee's investigation occurred. These investigations—both that of the Intelligence Committee and that of the Department of Justice—should happen concurrently now as well.

As I said last week, the Director of National Intelligence, Director Haines, testified before the Intelligence Committee. I was eager to learn more in a secure setting, protected from public dissemination, what was going on with these documents, what they meant, and who produced them. Were they stale or were they current intelligence? What sort of access did our adversaries have to them, and what did they learn if they did get access to them that we need to know about and prepare for?

I don't think any of our colleagues expected a full analysis of these documents, but I was alarmed by the complete lack of transparency by the Director of National Intelligence to the oversight committees in Congress like the Senate Select Committee on Intelligence. Without going into detail, Director Haines essentially said that once the Department of Justice initiated its investigation, her office stood down and did not inquire any further as to what these documents contained. So far, the Department of Justice refuses to share details of these intelligence products that were discovered at these unsecured locations.

As I said, we have no idea what is in these documents, who could have seen them, or how big of a risk it creates for national security, but we do need the answers to those questions that only a review in a classified setting in a secure facility by the oversight committees—we need the answers that only that sort of inquiry will reveal.

We could have a major national security risk on our hands or it could be a nothing burger, but the Department needs to be expedient and fully transparent in sharing this information with Congress and the intelligence community, again, in a classified secure setting, not for public dissemination.

If you worry about leaks, which are rampant here in Washington, DC, I must say, the record of the Senate Select Committee on Intelligence is pretty darn good when it comes to no leaks.

Senator RUBIO and Senator WARNER have been clear that the Department of Justice will not stonewall Congress. This is not a partisan matter. It is not tenable for the position of the Department of Justice and for the Biden administration to take that position. As policymakers with an independent constitutional responsibility, we need to know the full details so we can conduct the risk assessment and determine how best to respond. President Biden's De-

partment of Justice cannot stand in the way of Congress's constitutional oversight role.

Now, many in the press have said: Well, what sort of things might the Senators on the Intelligence Committee do to compel the cooperation of the Department of Justice?

Well, I hope we don't have to go there. I hope this produces a negotiation that will address the concerns both of the Department of Justice and of the Senate Select Committee on Intelligence. It is well known what sort of tools are available to Congress—things like appropriations, things like nominations—but I sincerely hope it doesn't come to that. But we have a job to do, and we are going to do it, with the cooperation of the Biden administration or without their cooperation.

So all options are on the table to ensure not that we get to see what we want to see for political or other inappropriate reasons but to make sure our national security is not at risk.

Again, this is a bipartisan desire to see these documents and evaluate the risk they could pose to our security. It is time for the administration to cooperate with us in that effort.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. SCHUMER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. SCHUMER. Madam President, I ask unanimous consent that the Senate proceed to executive session to consider PN62, Roger Israel Zakheim; that the time until 5:30 p.m. be equally divided in the usual form on the nomination; that upon the use or yielding back of time, the Senate vote on the nomination without intervening action or debate; that if confirmed, at a time to be determined by the majority leader, in consultation with the Republican leader, the Senate proceed to executive session to consider PN61, Joseph Lee Falk; that there be 10 minutes for debate, equally divided in the usual form on the nomination; that upon the use or yielding back of time, the Senate vote on the nomination without intervening action or debate; that if either nomination is not confirmed, all action with respect to both nominations be vitiated.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

#### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.